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Air Force Accused of Error In Inquiry on Missile Officer

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WASHINGTON, June 2 — Justice Department officials said today that the Air Force had mishandled the initial investigation of an officer accused of making unauthorized visits to the Soviet Embassy here.

One Justice Department official said that Air Force investigators had made an error by promising immunity to the officer, Second Lieut. Christopher M. Cooke, in return for his promise to cooperate with their inquiry.

"Before any other Government agency starts doing things that may preclude prosecution, they ought to talk to the prosecutors about it," the official said. "Apart from the factual question of whether there was espionage, this case will present a difficult legal question: Is the prosecution now barred by some kind of immunity agreement?"

The Air Force charged last week that Lieutenant Cooke had made three visits to the Soviet Embassy here without informing his superiors. Air Force regulations require that such contacts with representatives of Communist countries be reported. Lieutenant Cooke had been the deputy commander of a Titan missile crew near McConnell Air Force Base in Kansas.

Military officials said on Sunday that Lieutenant Cooke had given the Soviet Union sensitive information about the missiles, requiring the Air Force to change their targets and codes. The missiles are designed to carry nuclear warheads and are aimed at Soviet installations.

Capt. Virginia Pribyla, a spokesman for the Air Force, said that military officials had no immediate comment on the Justice Department's criticism.

Air Force investigators offered Lieutenant Cooke immunity in an effort to determine the extent to which he may have compromised the security of the Titan missiles. A military official said

that the Air Force was originally more interested in limiting damage to security than in prosecuting the officer. Military officials contend that they are not required to keep the promise of immunity because the lieutenant did not cooperate fully with the investigation.

A Justice Department lawyer agreed, "It may be more important to the country to know the extent to which our secrets may have been compromised than to put a man behind bars." However, he said, the Justice Department ought to have had "some input" into that decision, especially since Secretary of Defense Caspar W. Weinberger later prodded the department to investigate the case for possible violation of the espionage laws.

Mr. Weinberger was reported by military officials to be upset that Air Force investigators had offered Lieutenant Cooke immunity.

Lieutenant Cooke offered yesterday to resign from the Air Force, according to a spokesman for the Strategic Air Command, which is in charge of all Titan missiles. Air Force rules permit an officer under investigation to resign in some circumstances, the spokesman said.

A decision on accepting the resignation will be made by the office of the Secretary of the Air Force after a review of the case, the spokesman said.

Justice Department officials said that if they had been involved at an earlier stage of the Cooke case, they would have tried to test the veracity of his statements before making a firm commitment to recommend a grant of immunity.

Under the espionage laws, it is a crime to deliver military information to a foreign government "with intent or reason to believe that it is to be used to the injury of the United States." Justice Department officials said they were unsure whether they could prove such intent in Lieutenant Cooke's case.